

REMARKS

Applicant would like to thank the examiner for the detailed office action and suggestions mailed on March 21, 2007.

Claims 7, 15, 23, and 32 have been canceled. The subject matter of these claims, as suggested by the examiner, have been incorporated into the independent claim. These claims are in condition for allowance. Claims 1-6, 8-14, 16-22, 24-31, 33-34, and 57 are pending.

Claims 1-6, 9-14, 17-22, 25-31, 34 and 57 have been rejected under 35 U.S.C 102(e) as being anticipated by Tsujii (U.S. Patent 7, 079, 189).

Amendments

The amendment to the claims adopts the examiner's suggestions. The case is now in condition for allowance.

Request for Reconsideration

Applicant requests reconsideration of the rejection of claims 1-6, 8-14, 16-22, 24-31, 33-34, and 57.

Rejection under 35 USC § 102

To anticipate a claim under 35 U.S.C § 102 a single source must contain all of the elements of the claim. Lewmar Marine Inc. v. Barient, Inc., 627 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), cert. denied, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements **“arranged as in the claim.”** (emphasis added) Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1271 (Fed. Cir. 1984). Moreover, **“[t]he identical invention must**

be shown in as complete detail as is contained in the ...claim.” (emphasis added) Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q. 1913, 1920 (Fed. Cir. 1989). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. Titanium Metals Corp. v. Banner, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Tsujii (U.S. Patent 7, 079, 189) does not anticipate claims 1-6, 8-14, 16-22, 24-31, 33-34, and 57.

The claims have been amended as requested by the examiner to recite an “internal temperature exceeding a preselected level and battery capacity below a preselected level causes the determined variable time interval triggering event to be substantially zero.” Applicant respectfully traverses the rejection of claims 1-6, 9-14, 17-22, 25-31, 34, and 57 because the Tsujii ‘189 patent fails to teach or suggest all of the elements of applicant’s claims.

The claimed invention is directed to managing a radiography detector so as to regulate the temperature produced and the power consumed by the detector. The temperature or “the heat contributes to an overall rise in temperature with both application and structural effects on the medical device. Structural effects or excessive heat generated by small portable electronic devices reduces battery life, reduces component life, reduces the reliability of the device, and increases device failure.” See page 1 of the instant application. Further, excessive heat produced by the electronics in the radiographic detector can “result in patient discomfort or burning.”

The invention as claimed (claims 1-6, 8-14, 16-22, 24-31, 33-34, and 57) employs multiple triggering events so as to automatically change the “operating state of the digital radiography detector.” Triggering events can result from activation switch 208 (page 8 of the disclosure), from the system, or from a prediction model (flowchart figures 8-10). The claims specifically recite a “first triggering event,” a “second triggering event,” and a “determined variable time interval triggering event.” All these triggering events are strategically used by the system to regulate the operating state so as to regulate the heat and the power consumed by the “digital radiography detector.”

The examiner asserts that the patent to Tsujii ('189) discloses the invention as claimed. In particular, the Examiner asserts that the invention can be primarily found in columns 9 and 10, and figures 4 and 7.

The Tsujii et al. patent does not disclose determining environmental condition data in column 10 and column 11 as asserted by the examiner. The citation asserted by the examiner merely states that one can "adaptively determine the time for stabilization of the sensor offsets." There is no mention or no inference can be drawn to the claimed environmental condition data.

The Tsujii et al. patent does not disclose determining a variable time interval triggering event in the last paragraph of column 10 and the first paragraph of column 10. These paragraphs address factory presets for stabilizing sensor offsets. While Tsujii mentions time within these paragraphs, there is no recitation to a "variable time interval triggering event" that has been determined from the "changed operating state" and the acquired "environmental condition data" of the digital radiography detector.

The Tsujii et al. patent does not disclose changing the operating state of a digital radiography detector based on three triggering events. Tsujii merely discloses different ways that one can provide power to a detector (item 140 at figure 1) and the read out circuitry (item 145 at figure 1). In contrast, the claimed invention after a triggering signal is acquired (switch is flipped for example) changes the state of the detector and waits for a second trigger signal (same or another switch is flipped) or a model based triggering signal to change the state of the detector. The claimed invention dynamically changes the state of the detector so as to manage temperature and battery usage. The following disclosure bears this out (**cited with emphasis**)

The time interval trigger has as a starting point the occurrence of the first triggering signal. The width of the time interval is dependent upon the environmental conditions. For example if the internal temperature is relatively high and close to an upper level, assuming everything else is equal, an increase in power consumption leads to an increase in internal temperature. In this situation, the duration of the time interval should be shortened due to increase temperature consideration. Additionally, there may be a situation were a higher power consumption is not supported by the detector battery capacity so it is prudent to set the time period as close

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as possible to zero so as to cause a reversion to a lower power consuming state.

Since the Tsujii et al. ('189) patent does not disclose three triggering events, and a process for using these three triggering events so as to automatically change the operating state of a radiography detector the rejection of claims 1-6, 8-14, 16-22, 24-31, 33-34, and 57 should be withdrawn.

CONCLUSION

Applicant believes this reply is fully responsive to all outstanding issues and places the application in condition for allowance. If this belief is incorrect, or other issues arise, the examiner is encouraged to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

By: 
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